

FARMINGTON CITY
PLANNING COMMISSION MEETING
December 14, 2017

STUDY SESSION

***Present:** Vice Chair Alex Leeman, Commissioners Roger Child, Bret Gallacher, and Rebecca Wayment, Community Development Director David Petersen, Associate City Planner Eric Anderson, and Recording Secretary Lara Johnson. Chair Heather Barnum and Commissioners Connie Deianni and Kent Hinckley were excused.*

Item #3. Joe Kennard/Randy Rigby – Requesting a recommendation for schematic plan and preliminary PUD master plan approval of the proposed 34 lot Mountain View PUD Subdivision, and a rezone from AE (Agriculture Estates) to an R (Residential) zone and a general plan amendment from RRD (Rural Residential Density) and AG (Agriculture Preservation) to LDR (Low Density Residential)

Eric Anderson said after the applicant received a recommendation for denial on a 4-2 vote from the Planning Commission, he continued his application on to City Council. The City Council had concerns regarding the lot count, some of the setback standards, and the layout of the open space. When it seemed the City Council was going to deny the application, the applicant asked that the item be tabled until he could meet with the surrounding neighbors to work out a revision of the subdivision. Eric Anderson said the applicant has met with neighbors during two open houses, and he is now presenting 34 lots as the total lot count, so there is no longer a need for an open space bonus as he meets the 10% open space requirement with the provided open space and detention basin. David Petersen clarified that the applicant cannot go below 10% open space in order to meet the PUD requirements, which allows him the flexibility he needs for the setbacks he has proposed.

Alex Leeman said his biggest concern with the previous subdivision plans were that the applicant was requesting a density bonus in exchange for more open space, but that the open space could be lost when the surrounding area develops out.

David Petersen said that the applicant has met with the citizens twice, and he feels the applicant is gaining a level of trust with the surrounding community. He said one of the surrounding residents' biggest concerns was the stubbed street that connected to 250 S.; however, that has been removed. Eric Anderson also added the turnaround on the current 250 S. has also been removed. Alex Leeman said he liked the idea of 250 S. being better maintained, but he did not like that the subdivision that would be paying for the improvements had no direct access to it. Eric Anderson also pointed out that the developer made the abutting lots to surrounding residents on the south side larger. David Petersen said the applicant placed the smaller sized lots on the interior of the project.

David Petersen said one resident asked staff why they are in favor of this project. He told the resident it is because this is the last area to be developed that is within walking distance from the commuter rail stop. He also said creating subdivisions like this will help prevent "creeping" for other areas because once a subdivision is approved, it's locked in place and it's hard to change. David Petersen also said that he feels it would be a difficult argument for the same number of rooftops for any other property to the south since this specific property is in close proximity to Station Park, the charter school, the gym, the apartments, etc. He said it is difficult to bind the hands of the future City Council members, so that argument could always change.

Bret Gallacher asked for clarification on what is being voted upon tonight. He asked if the schematic plan and the Preliminary PUD Master Plan are also being voted on. **Eric Anderson** said yes, but the schematic plan and preliminary PUD master plan are predicated on the rezone. **David Petersen** also pointed out that since there are only 4 Planning Commission members, a majority vote of 3-1 is required to pass a motion.

Item #5. Farmington City – Requesting recommendation for approval of a zone text amendment to Chapter 18 of the Zoning Ordinance related to the Regulating Plan

David Petersen said when the property was being considered for an office park from its current residential zone, the surrounding residents expressed concern. The City agreed to have a community work group to ensure a buffer was being included; however, the City dropped the ball on following through with the work group. **Alex Leeman** said he understands why the neighbors are concerned because the OMU zone allows for 6 story buildings adjacent to their property.

David Petersen said when Chartwell brought UDA in for the charrette, 27 property owners were included. It was determined townhomes would be a good fit for the property along the western boundary. He said due to a 90' pipeline easement, the UTA ROW and a few other things, the townhomes are getting pushed further away from the single-family homes, which is already providing a buffer. It was discussed that the townhomes would be 2 stories as they would be located on a local road in the RMU zone; however, the citizens are concerned 4 story buildings may be allowed since some residents abut the OMU zone.

Eric Anderson said when the regulating plan was constituted for the area, Burke Lane was listed as a principal road and 6 story buildings are allowed on principal roads in the OMU zone. After the City Traffic Engineer Tim Taylor reviewed the regulating plan, he suggested a different layout for Burke Lane to ensure cars would not queue back onto the D&RG trail. The change was amended to the regulating plan, but the City failed to change the road classification of Burke Lane back to a local road, which is why 6 story buildings are still allowed. If the City changes the road classification to local road, 4 stories are still allowed in the OMU zone. **David Petersen** said the residents are still wanting 2 stories on this road; however, staff feels a good compromise would be to propose 3 stories under the new classification of "local primary road." He said he feels bad the City dropped the ball again, and just barely talked with Heidi Herron and Kyle Stowell regarding the proposed changes; he said he wished he would have reached out at least a week ago to discuss it with them.

Alex Leeman asked if the developer has vested rights in the current zoning, and if the compromise would be considered a "taking." **David Petersen** said the developer has proposed residential for the property adjacent to the single-family homes, but residential is not allowed in the OMU. **Eric Anderson** said the developer's plan is to come under Section 140 to request residential in the OMU zone. He said the change does not affect the developer's current plan, and that there is not vesting because it is adopted as part of the small area master plan which is an element of the general plan. **Alex Leeman** asked if there needs to be a discussion with the developer prior to approving the item. **David Petersen** said the developer was noticed on the item; he is unsure if he will attend tonight's meeting or not.

Rebecca Wayment said local roads are allowed 2 story buildings with a maximum height of 27', but what is being proposed is a local primary road that will allow for 3 story buildings. She asked if a maximum height restriction could be added to the 3 stories. **Eric Anderson** said that the 2 story maximum is for the RMU zone only, and this road is in the OMU zone, and that a maximum number of stories should suffice.

REGULAR SESSION

Present: Vice Chair Alex Leeman, Commissioners Roger Child, Bret Gallacher, and Rebecca Wayment, Community Development Director David Petersen, Associate City Planner Eric Anderson, and Recording Secretary Lara Johnson. Chair Heather Barnum and Commissioners Connie Deianni and Kent Hinckley were excused.

Item #1. Minutes

Bret Gallacher made a motion to approve the Minutes from the November 16, 2017 Planning Commission meetings. **Roger Child** seconded the motion, which was unanimously approved.

Item #2. City Council Report

David Petersen gave a report from the December 5, 2017 City Council meeting. He said the Brownstone PUD Subdivision Schematic Plan and Preliminary PUD Master Plan was approved. He said a few residents were there to express their concerns, but the City Council felt “for sale” units were better than rentals, which was also allowed due to the property’s zone. He said he talked with the neighbors after the decision was made, and they understood why it was approved. **Rebecca Wayment** asked for any follow-up information from staff regarding a directive the Planning Commissioners gave staff to have a conversation with UDOT regarding access to 185 E. (SR106) from the Brownstone Subdivision. **David Petersen** said that conversation has not yet happened; City Manager Dave Millheim will spearhead that directive, but he has been out of town. **Rebecca Wayment** asked if that directive alleviated any concerns among the residents and City Council. **David Petersen** said everyone would like to see that happen, as it makes sense to have access to 185 E.

SUBDIVISION / PRELIMINARY PUD MASTER PLAN / REZONE

Item #3. Joe Kennard/Randy Rigby (Public Hearing) – Applicant is requesting a recommendation for schematic plan and preliminary PUD master plan approval of the proposed 34 lot Mountain View PUD Subdivision on 11.93 acres of property located at approximately 650 West and 250 South, and a rezone from AE (Agriculture Estates) to an R (Residential) zone and a general plan amendment from RRD (Rural Residential Density) and AG (Agriculture Preservation) to LDR (Low Density Residential) related thereto. (S-12-17 and Z-2-17)

Eric Anderson said this property is located on 650 W. and south of the charter school. He said the applicant went before the City Council, and it seemed the application was going to be denied for a rezone. The applicant then asked to have the item tabled so he can further work with the neighbors to address more of their concerns and come back with a revised plan. The City Council agreed to table the item, and were directed by staff that if any significant changes to the plans were made, the applicant would come back to the Planning Commission for a recommendation. **Eric Anderson** said the applicant held two open houses, which were attended by neighbors, as well as staff.

Eric Anderson said the applicant has revised his subdivision from the previously proposed 41 lots down to 34 lots, which is a difference of 7 lots. He said staff determined the changes did not warrant the applicant to come back before the Planning Commission; however, staff felt it would be a good idea for the Commission to review the application again. **Eric Anderson** said the applicant made a

few other changes to the subdivision, including moving the location of open space to the northeast corner, removing the 250 S. turnaround and parking, removing the stubbed road to 250 S., and making the abutting lots where there are existing homes larger.

Eric Anderson said there are three things to be voted upon, as listed in the two proposed motions in the staff report. He said the Commission is providing a recommendation for approval or denial on the property rezone and the schematic plan and preliminary PUD master plan. He said a General Plan amendment is also included in the proposed motion; however, the General Plan does not need to be amended since it is just a guiding document, but staff felt it would be appropriate to amend it if the rezone was approved.

Rebecca Wayment asked about the lot size for RRD and LDR zones, as well as where these are located within the City. **Eric Anderson** explained that General Plan designations are different from zone designations. He said the LDR general plan designation includes the LR and R zones; the RRD general plan designation includes the AA and AE zones. He showed an aerial map of general plan designation and zones within the City. **Rebecca Wayment** asked for the lot size of the R zone. **David Petersen** said a true R zone would yield 8,000 sq. ft. lots. He added that the LR zone is 10,000 sq. ft. lots, but the LR zone allows for Secondary Dwelling Units (SDUs) and the R zone does not.

Randy Rigby, , 245 S. Cobblecreek Rd., said that he feels much better about the plan that he is now presenting after hearing concerns from the Planning Commission and City Council. He said he has been able to sit down with many neighbors within the community to see and hear their concerns. They have worked hard to consider their concerns. He said UDOT has been mandated to sell this property because they will no longer hold onto it as “excess inventory.” He said the property was used by UDOT as a staging area, but was then turned into a dumping ground. **Randy Rigby** said what they are proposing will be a nice subdivision that will be a great contribution to Farmington. He said when they first proposed the subdivision, there were 41 lots and the target audience was more senior citizens that wanted to downsize their home and lot. He said based on the feedback from the community, they have amended their plans so there is a good mixture of lot size to help increase the value of property of those that currently live adjacent to the proposed subdivision. **Randy Rigby** said in addition to varied lot size, they have also amended the plan based on community feedback to stay away from adding any additional traffic onto 250 S. The road will now be stubbed into the Homer’s property to allow them to access it at some point in the future, if they choose to do so.

Randy Rigby said this piece of property is unique because it abuts Legacy Parkway, it is close to an overpass, near commercial land, and not far from an apartment complex. He feels what they are proposing provides a transition from these areas to the current residents. He said a lot of the feedback from the neighbors is that they want larger lots that border their properties, so the proposed plan provides larger lots along the subdivision’s southern border. He said they are also mindful of the neighbors on the northern border, so they have included open space in the northeast corner, as well as Lot 25 that is bigger and are keeping Lot 34 as is.

Randy Rigby said they want to be a good partner with the City and community; he wants to make something that is beneficial for everyone. He said the subdivision’s proposal is now 34 lots, which will deliver property taxes for the City and bring in even more quality people to the City. He said the homes in the subdivision will start between \$450,000 to \$600,000. He said the average income individuals would have to have to qualify for a mortgage is \$150,000 annually. He said he recognizes there are quality individuals regardless of what people make, but he feels this proposal would increase the surrounding property values.

Randy Rigby also said that this proposal does not set a pattern for other areas; he emphasized that what they are requesting is for this property only and would not change the approved plans for the Miller Meadow Subdivision. He said what they are requesting for this property is due to the uniqueness of the property and the surrounding area. He said there are 10 other R zones within the City, and that what they are proposing would have the largest lot size average at 9,300 sq. ft. The lot size minimum for the R zone is 8,000 sq. ft. He said the smaller lots would be located on the interior of the subdivision, adjacent to Legacy Parkway. He said this subdivision would also have the added benefit of acting as a sound barrier for other areas on the west side of Farmington.

Rebecca Wayment thanked the applicant for holding meetings with the public; she asked how the open houses were attended and what he felt the outcome was from the meetings. **Randy Rigby** said 10 people signed up to come to an open house meeting after he left the City Council meeting. He said Commissioner **Kent Hinckley**, as well as staff **David Petersen** and **Eric Anderson** also attended, which he appreciated. He said he felt there was a lot of thoughtful dialogue with the community, and felt it was a good way to listen and take into account the community's feedback.

Alex Leeman invited the public to share their thoughts during the public hearing, but asked specifically that if their view of the subdivision has changed, to share what made the difference from their previous opinion to now.

Alex Leeman opened the public hearing at 7:32 p.m.

Krissy Guest, 553 W. 250 S., said she did attend the neighborhood meetings. She thanked the developers for holding the meetings and being willing to make some compromises, but said that she is hesitant to support a zone change because she does not know what that could mean for the future of west Farmington. She is concerned that a zone change like that could open a "can of worms."

Natalie Hogan, 417 S. 650 W., said that she found it interesting that during the City Council's public hearing, the council members stated the General Plan designation does not need to be changed. She said it was also mentioned during that meeting by Cory Ritz that there should be no more than 28 homes on this property. She said she feels 34 lots is an improvement, but that it is still not where it should be based on what was said during the City Council meeting. She said she would like to keep the AE zone feel, and have as minimum impact as possible to the current agriculture uses in the area. She said she is concerned that her 1 acre of property would become the green space for the area. She said she is also interested to see if the 20% open space requirement has been met by the developer. She said this area is technically under the "Legacy Scenic By Way," which has its own requirements of broad open space, uncluttered views, and more. She said she feels the Legacy Trail maintains an open feel; she does not feel packed houses would be upholding the overlay of openness that is required by the Legacy Scenic By Way. She asked that the developers uphold those guidelines. She also expressed frustration that the City is making many exceptions for developers and feels it is time for developers to uphold the City's guidelines.

Lisa Webster, 732 W. 500 S., said she has lived in the area for a long time. She said this is the 5th meeting she has attended between the City and the neighborhood regarding this proposal. She feels that if the neighbors wanted this subdivision so badly, then this would not be the 5th meeting to attend. She said there are two reasons why she is adamantly opposed. She said the first reason is that traffic is already horrendous, and the high school traffic has yet to be added. She feels this area has not been made to handle so much traffic, and that she could not have imagined she would see traffic like what is currently in the area. The second reason she is opposed is the request for a rezone of the property. She feels changing the zone of the property would be like opening a floodgate in the area. She feels the City has a master plan for a reason, which is so the City could foresee any problems down the road. She

feels the area is not set up for what is being developed. She said she is not opposed to homes being built on ½ acre lots. She feels ½ acre lots next to the freeway has been done successfully in other areas and could continue to be done. She asked what the next steps are for the developer if this project is denied for recommendation by the Planning Commission. She asked if the developer would then go before the City Council again. She asked how many public hearings the community must attend; she said if the community wanted this development, they wouldn't keep saying the same things as to why they are opposed.

Paulette Hewitt, 541 W. 250 S., provided statistics on the number of students that will be attending Farmington High School, which is just under 2,000 students by the year 2019. She pointed out that 10th grade students will not be allowed to park in the parking lot, which means the 10th grade students will be parking along 650 W. She said her first major concern is the request for a rezone of the property. She said the Master Plan is to preserve the quality of life of the community; she feels the number of lots should not exceed the number of lots allowed in the yield plan, which would be 23 lots for this specific property. She said she feels the open house meetings with the developer have been great, and they have been open with the community and the community has been open with them regarding changes everyone would like to see, but she still feels what they are proposing is a lot of lots. She also asked why the subdivision is listed as 34 lots when the Maxfield's large property will remain as is. She said if that property is included in the overall lot count, the average lot size is significantly larger than if it was removed. She also expressed frustration that the applicant sent an email stating the average lot size is about ¼ an acre, but she said based on what she sees on the schematic plan, only two lots meet that requirement. She expressed frustration that many other developments, including Miller Meadows and Chestnut Farms, have developed larger lots; she does not see why this property cannot be developed as ½-acre lots too.

Jim Checketts, 576 W. 350 S., said that he appreciates the time and effort of the Commissioners and staff. He said that he has "only" lived in the area for 18 years. He said he has met with the developers a number of times and wanted to point out that what is being presented is not the neighbors' plan, but the developers' plan. He said it was stated that someone was recommending this proposal from the developer and asked who was recommending it. **Alex Leeman** said staff was recommending that the Commissioners recommend approval to the City Council. **Jim Checketts** said that he does not feel what is being proposed is cohesive to what is being done in the area. He said he recognizes the changes that have been made by the developer since the previous proposal, but feels the changes are barely small adjustments to what could be and should be made to the development. He feels the developer has been making small changes with an "X Acto knife," when big changes need to happen. He said he also does not think the zoning should be changed. He has a lot of concerns still regarding what the developer is proposing, and he does not think the changes are significant enough for the City Council or Planning Commission to buy off on it. He does not feel what is being proposed will increase anyone's value, except the developer.

Eric Oldroid, 558 W. 350 S. said that he attended one of the developer's open house meetings; he felt the developer and his team were nice guys and applauds them for being willing to meet. He said he feels what the developer has proposed is better than what it was, but that he feels like the proposal has not gone far enough for approval. He said he recognizes and respects people have land rights, but he feels that right is granted based on the property's zone. He said he does not feel the City should grant the developer additional rights by granting a rezone just so the developer's fiscal numbers work for them with the project. He said he is concerned that if an exception is made, there will always be a case for exceptions in the future for other properties. He said he kept hearing that this specific property is a unique piece of land, but he feels there is a case that every piece of land is "unique" in some way. He said he also heard staff say that the minimum area lot size is 8,000 sq. ft., but that the alternative lot size is not available for 10 acres or more; the proposed property is more than 11 acres so he is unsure

why the City would allow the alternative lot size to come into play on this proposal. He feels the Ordinance should not be read as something that should be worked around in order to get what you want. He feels the subdivision would be beautiful, but it would be too crowded, which is not west Farmington. He asked the commissioners to think of the issues brought up by the public; he asked if what is being proposed is reasonably necessary, in the public's best interest, and consistent with the City's General Plan.

Bryce Crowley, 1743 W. Spring Meadow Lane, said he has lived in Farmington for the last 3 ½ years, but that he previously lived in the City for many years. He said he and his family chose to build a home here after he moved his business to Farmington. He said he is concerned about the exceptions requested by the developer and that there are always exceptions encouraged by staff. He said the City Council does not feel the need to amend the General Plan. He also said that when it looked that the developer was going to be denied by the City Council, the City Council tabled the item so not to prevent the developer from having to re-apply in 12 months. He said that although he is not an immediate neighbor to this development, he is concerned about the exceptions that are being made within the City. He said the proposal does not match what the City's requirements are for developments. He said he recognizes exceptions were made for the street he now lives on, but asked how the City tracks all the exceptions that are granted to developers. He expressed concern that the developer has been told no multiple times, but that staff and the City are still encouraging proposals on things that this property is not zoned for and should not be allowed. He said he understands the developer's concern about needing to develop the property appropriately in order to make it work for him, but he feels the developer took on that risk when he purchased the property. He feels what is being proposed up against Legacy Trail looks like Foxboro in North Salt Lake. He asked if what is being proposed meets setback requirements for lots because he does not feel it does meet those requirements. He said he appreciates the time and service the Commission provides, and again reiterated his concern about all the exceptions that are continually made and his desire to continue to fight against those exceptions or to amend the General Plan.

Alex Leeman entered an email sent to the Commission from resident **Andy Romney** into the record.

Alex Leeman closed the public hearing at 8:02 p.m.

Alex Leeman said he wanted to explain the process of the developer's application so the public is aware of it. He said there are two parts to the developer's application, the rezone request and the schematic plan and preliminary PUD master plan approval. He said the Planning Commission is an administrative body; its job is to ensure applications comply with the law and City code. He said the City Council is a legislative body that can determine whether a development is good or bad and if it should be allowed in the City. **Alex Leeman** said a rezone is a discretionary decision, which means the City determines if the decision is good or bad. The decision makers for a rezone is the City Council; however, the Planning Commission makes a recommendation to the City Council to approve or deny the rezone request. He said the schematic plan is a legislative act, and the Planning Commission determines if it meets the law.

Alex Leeman said if the applicant is granted the rezone, then the schematic plan then complies with the law; however, if the rezone does not happen, then the schematic plan does not work. He said the Planning Commission is making a recommendation regarding the rezone and schematic plan. If the City Council were to approve the rezone and schematic plan, the proposal then comes back to the Planning Commission for administrative approval as it is within the law. If the City Council denies the rezone, the application would no longer be valid. He said the landowner can keep coming back with

applications, but at this point the developer does not have to since he has not yet received a denial from the City Council.

Alex Leeman said another comment was made regarding exceptions made by the City. He said there are plenty of places to obtain exceptions from the requirements. He said there is never an instance where someone does not have to comply with the law; one cannot be exempt from the law, but the law does allow for different things. He said just because exceptions happens, it does not mean one is not following what is allowed. He said the law must be followed, but that there are reasons which warrant an exception as there is something given in exchange.

Bret Gallacher asked staff for clarification about Councilmember Cory Ritz's comment at the City Council meeting regarding how this property should only have 28 homes. **David Petersen** said he made the comment in reference to what would be allowed if the property remained zoned AE. He said Councilmember Ritz was "eye-balling" the property based on comparable properties of Miller Meadows or Chestnut Farms.

Alex Leeman asked staff to address how this proposal complies with the Ordinance and the law despite not meeting the minimum lot size. **David Petersen** said in Chapter 11, it states alternative lot sizes are available when a Transfer of Development Rights (TDR) takes place, and that the alternative lot sizes are not available for 10 acres or more. He clarified that the applicant is not asking for a TDR, but is seeking approval for a Planned Unit Development (PUD), which is very different from a TDR. He said the biggest thing the applicant is requesting is the R zone. He said it was mentioned by the public that the R zone is inconsistent with the General Plan. **David Petersen** said a general plan is a recommendation document in the State of Utah. When this property was annexed into the City in 1993 as the AE zone, the Bangerter family was farming it, so it was amended to the A zone, which was inconsistent with the General Plan. He said the property has been inconsistent with the General Plan since 1993. If the City decides to approve the rezone, he said he feels it would be a good time to amend the General Plan to finally make it consistent after 24 years.

David Petersen said the application comes down to the request to rezone the property to R, and not the amendment to the General Plan. He said the applicant is requesting a PUD because the R zone setbacks are cumbersome with the current styles of homes. He said the R zone was created in 1969, and that home styles have drastically changed since that time. He said asking for the PUD allows the developer the ability to ask for allowances to setbacks.

David Petersen said he has been asked by residents why he is in favor for this development. He said one of the reasons staff is in favor of it is because the state has invested a lot of money in rail stops; Davis County only has four of them, including the one in Farmington. He said the whole purpose of urbanization is to move people without having to use a car. Freeways are becoming more congested, the commuting pattern is all towards the south, Utah is facing major air quality issues, and there is no slowing of growth in sight, which means the City will have to grow from within. **David Petersen** said Davis County is no exception. He said the proposed property is the last parcel within acceptable walking distance of the rail station. He said it is continually mentioned that approving this rezone could mean it could happen elsewhere in the City; however, it does not make sense to have this density somewhere else in the City because it is not close to any facilities.

Bret Gallacher asked if the minimum lot size for the R zone is 8,000 sq. ft. **David Petersen** said the yield plan for the R zone is 8,000 sq. ft., which sets the lot thresholds. He said from there, developers can choose to go with conventional lots, which the applicant is not doing, or to go through the PUD process.

Rebecca Wayment thanked the community for showing up and expressing their concerns. She said she recognizes this has been a long process, and she understands the frustrations from all sides, including the developer, staff, and the community. She feels the back and forth will make the end result better. She said she missed the Planning Commission meeting when the developer first presented the development, but was immediately concerned about the lot sizes and density bonuses the applicant was requesting during the second meeting when she saw it for the first time. She felt the Planning Commission provided a lot of good feedback to the developer at that point, and she feels she either was thinking it or said that she would feel more comfortable if lots were ¼ acre. She said in the applicant's new proposal, she likes the open space arrangement and appreciates that the lot count has decreased, but is still concerned about the size of the lots adjacent to the trail. She is not comfortable that someone on the trail could look right into someone's backyard; she does not feel it is a win for anyone.

Rebecca Wayment said she is also concerned about the rezone of the property. She said the staff report states that rezoning this property is a policy shift in Farmington, which would reflect the reality that west Farmington may become urbanized. She said she feels very uncomfortable rezoning west Farmington to allow for an increase in density. She feels with the opening of the high school, and if the City makes a policy shift, many property owners may come forward requesting to rezone their property. She feels rezoning this property could open the floodgates; if an exception is made because the property is unique, she asked how many other property owners will also have "unique properties." She also said that what is being proposed is considered low-medium density housing; however, she does not feel this area needs an additional buffer of low-medium density housing. She feels Clark Lane is a sufficient buffer from the commercial property and the apartments to the single-family homes on the other side of the road. She feels there should not be any low-medium density housing creeping down 650 W.

Rebecca Wayment said she feels like the development is moving in the right direction, but feels the small lots do not belong in the development at all. She feels Miller Meadows has been a success because people like larger lots that have land; it makes it unique and appealing. She feels there is nothing to stop other developments like this from going in if this is approved. She feels if this property is given up to higher density, then the rest of west Farmington will be given up very quickly.

Bret Gallacher said he does not think that this development would be setting a precedent for west Farmington. He said he feels it has been proven over and over that the Commission takes each situation on a case by case basis. He said he was expecting the community to be more in favor of the revised proposal, but has heard the concerns from the residents. He said he has a couple thoughts regarding the applicant's proposal. He said he lives near the golf course, and when Ovation homes proposed smaller lot sizes, the community expressed a lot of concern that no one would want the smaller lots or that no one wants to live in a community of solely retired couples. He said that development has been very successful in their community. He also pointed out that resident Mr. Crowley said exceptions were made for his lot, but that he was against exceptions made for any other lot. He feels that fact negates everything he said because he feels that is like Mr. Crowley saying it is ok for him, but not for anyone else. **Bret Gallacher** expressed frustration that everyone's home was rezoned at one time or another; he feels it is going to happen so at some point it needs to be determined what is a good solution and what could be much worse the next time a proposal comes in. He said the Commission asked for larger lots and a decreased lot count. He said he feels like the applicant has made a good faith effort, and that denying this application could mean a lot worse could come in later. He feels the applicant has done a good job.

Roger Child said he has lived in Farmington for 27 years, has raised his family here, and loves all that Farmington encompasses. He said he is currently living in his second home in Farmington, which is located on a ½-acre lot, but he would like to downsize at some point in the future. He said he would

love options within the City for smaller lots. He said having worked with cities all over the state, the A zone is often a holding zone for future development. He said holding property to its A zone is not always a strong argument because most of the A zones get rezoned. He said looking at the size of lots next to the trail and freeway from an economic perspective, those lots are exactly where they need to be located. He said the space between the homes on the smaller lots would be narrow, which would act as a sound and economic wall. He said it would block the sound from Legacy Parkway, as well as act as a buffer to enhance the value of other properties not against the freeway.

Roger Child said it is challenging for him to think the City's "affordable housing" is starting at \$450,000. He feels it is essential for a City to have a price diversity among its home. He said there is little to no development options on the east side, so development will have to move west. He said providing different size lots will provide more of a mixed demographic, which can make for a more successful neighborhood. He feels only providing ½-acre or ¼ acre lots will greatly restrict the demographic. He feels some of the greatest subdivisions in the City are within the R zone. He feels when you drive through these zones, you cannot tell they are any different. He also feels the issue of setting a precedence is slightly moot; Farmington has the largest commercial development in Davis County with Station Park and the light rail. He said this area tends to support a slightly higher density, and this project would act as a buffer to those that still want larger lots.

Rebecca Wayment said the developer stated that there are 10 areas within the City that are currently zoned R. She asked where these areas are located. **Roger Child** also asked for the average lot size in the Ranches. **David Petersen** said it depends on the area, but that the average lot size is approximately 11,500-12,000 sq. ft. He also added that it was a 719-acre development with 55% open space, so he feels the comparison is apples to oranges. He also showed the location of the R zones within the City. **Rebecca Wayment** asked if there are any R zones on the west side of the City. **David Petersen** said no, there are not any R zones on the west side.

Alex Leeman said he understands the history of the west side and its agriculture base. He said he also understands the way different areas can be developed; however, demanding the same thing that has been done in other areas means there is little variety within the City. He said he feels varied zoning allows the Planning Commission different tools to develop a City. He feels making the decision that the R zone should not be located on the west side of the City eliminates a whole category of how a City could be developed. He feels having an applicant come along requesting some of these things makes the City stop and consider how it should be developed out.

Alex Leeman said he feels the ¼-acre lot size argument has come up a lot; however, he feels there are hundreds and hundreds of ¼-acre lots in the City. He feels if someone wants a ¼-acre lot, there are already so many to choose from within the City; however, smaller lots are less available within the City. He said he has a hard time requiring ½-acre lots because currently, someone would need close to \$900,000 to build on it. He said his parents live on a smaller lot, which has been very beneficial for them and many others. **Alex Leeman** said he feels one improvement the developer has made is that the outward facing lots have increased in size. He said he also likes roads put in that allow for future development because it makes for a better-planned community. He also feels the larger lots on the southern border will provide for continuity of lot size in the area when other properties decide to build out. He feels having the smaller lot sizes in the middle of the project makes sense. He said that he would recommend approval of the rezone to City Council, which would then also include the schematic plan.

Bret Gallacher said he feels that if the Commission were to demand 28 lots, many people still would not be happy with the development. **Alex Leeman** said he would be less happy if 28 lots were demanded. He said he is tired of the ¼-acre lots. **Rebecca Wayment** said it appears that 18 lots are

under .18 acres, which is a very small lot. She said that would be over half of the development being way under ¼ acre lots. She asked if there are even ¼-acre lots even found in the development. **Alex Leeman** said the Commission is making a legislative decision regarding if the rezone to R is something the commissioners like. He said he feels having 18 smaller lots is a positive toward the rezone. He said he does not feel density is a bad thing; he does not feel it is a good fit everywhere, but thinks that a well-planned community requires a good mixture of densities. He said if there is an area in the City where putting houses closer together makes sense, this property is it. **Bret Gallacher** said a comment was made about how there are no houses that abut the Legacy Trail. He said in his experience regularly using the trail, there are many smaller lots that abut it, and it still seems nice and that people still want to move into those smaller lots.

Alex Leeman thanked the commissioners for their diversity of opinion. He said he recognizes there is disagreement on this item, but said he likes that all commissioners can present their differences regarding items like this.

Motion:

Bret Gallacher moved that the Planning Commission recommend that the City Council approve the rezone from AE to R, and amend the General Plan from RRD and AG to an LDR designation for 11.93 acres of property located at approximately 650 West and 250 South as identified in the attached legal description, subject to all applicable Farmington City ordinances and development standards and the following condition: the approval is subject to an approved preliminary PUD master plan and that the Planning Commission recommend that the City Council approve the schematic plan and preliminary PUD master plan for the Mountain View PUD Subdivision subject to all applicable Farmington City ordinances and development standards and the following conditions:

1. The applicant shall enter into a development agreement memorializing the approved master plan prior to or concurrent with preliminary plat;
2. All outstanding comments from the DRC for schematic plan shall be addressed on preliminary plat.

Roger Child seconded the motion. **Roger Child, Bret Gallacher, and Alex Leeman** voted in favor of the motion; **Rebecca Wayment** voted against it. The motion passed with the majority vote of 3-1.

Findings for Approval for the Rezone:

1. While the proposed rezone is not consistent with the General Plan, this area of Farmington is changing, and the General Plan is antiquated and does not reflect the current realities facing suburban communities (such as Farmington) on the Wasatch Front; the General Plan is likely to be overhauled in the future to more accurately reflect the area's projected growth and accommodate the changes within the area.
2. The proposed rezone will provide low to medium density housing and act as a transition between lower intensity single-family residential development to the south, and higher intensity mixed use development to the north.
3. The property is removed from 650 West and abuts the Legacy Highway; it is an in-fill development and is suitable for low to medium density housing as it is hidden by a row of homes on 650 West.
4. Making the rezone contingent on the approval of a preliminary PUD master plan ensures that vesting does not occur without the approval of a master plan for the area, protecting the city in the event that the applicant does not move forward with the subdivision.

5. Although at a higher density, the proposed development is still single-family residential, which is commensurate with surrounding neighborhoods.

Findings for Approval for the Schematic Plan and Preliminary PUD Master Plan:

1. The proposed plans meet the requirements of the subdivision and zoning ordinances of an R-PUD zone, if the rezone does occur.
2. Schematic plan does not vest the property, and will be null-and-void if the rezone is not passed.
3. The proposed development will provide low to medium density housing and act as a transition between lower intensity single-family residential development to the south, and higher intensity mixed use development to the north.
4. The property is removed from 650 West and abuts the Legacy Highway; it is an in-fill development and is suitable for low to medium density housing as it is hidden by a row of homes on 650 West, and abuts a major highway facility.
5. Although at a higher density, the proposed development is still single-family residential, which is commensurate with surrounding neighborhoods.
6. The attached landscape plan and building elevations are of a high design quality and meet the standards set forth in Section 11-27-070; additionally, the project will provide a connection to Legacy Parkway Trail.
7. The applicant is providing 51,836 s.f. of improved open space, including a trail connection to Legacy Parkway Trail.

CONDITIONAL USE

Item #4. Farmington City (Public Hearing) – Applicant is requesting conditional use and site plan approval of a round-about design as a public use on property at Clark Lane and 1100 West in an A (Agriculture) zone. (C-17-17)

Eric Anderson said this project is for the roundabout at Clark Lane and 1100 W. He said it is currently a weed patch; he presented the plan of the water feature with horse sculpture, as found in the staff report. He show pictures of a similar project in Grand Junction and said that the same artist has been commissioned for this project if the conditional use and site plan are approved. **Eric Anderson** said it has to be considered as a conditional use because the roundabout is a public use, so the City has to go through the same process as any other applicant. He said one big issue is that the plans are showing a Weber Basin water line, but it is actually a BOR water line with an easement over it as well as a City water line. He said those water line easements will have to be resolved prior to moving forward on the project; he said conditions addressing the issue have been included in the proposed motion. Staff is recommending approval of this item.

Alex Leeman asked about the source of water for the water feature. **David Petersen** said the water will be recirculated.

Roger Child asked how deep the water would be in the water feature. **Eric Anderson** said he thought it will be trickling water, so fairly shallow.

Alex Leeman opened the public hearing at 8:51 p.m.

Kristin Williams, 344 S. 100 W., asked if there would be water in the middle of the roundabout, as well as on the side where the University of Utah Health Center is located. If so, she asked how much work is involved in getting water under the road and if the water actively running under the road would

cause problems. **Eric Anderson** said he does not think the water will go under the road, but that it appears that the roundabout and the University of Utah Health Center have separate water features. He said he thinks the water will recirculate on the roundabout property.

Diane Williams, 513 S. 1025 W., said she has lived in west Farmington for approximately 30 years. She asked that staff go and watch the activity on the roundabout. She said there are often giant horse trailers that are trying to maneuver the roundabout, and often end up jumping the curb. She asked that the roundabout not be crowded as it could cause problems for the horse trailers that cannot quite make the turn. She also said she feels it is ironic that many of the farms and horses are disappearing from west Farmington, and that statues of horses are being put in its place.

Jay, Farmington, said that he lives has lived in the townhomes diagonal from this roundabout for approximately 2 ½ years, and that he rarely drives his car. He said he was not sure if this agenda item includes the University of Utah Health Center, but he said that development can be challenging for many to walk around. He said it was previously discussed that the City wants to develop this area to be less dependent on automobiles. He said many empty nesters are attracted to the subdivision he lives in because they can age in place and not be dependent on cars; however, they cannot walk to their health appointments because of the layout of the Center. He said he grew up on a ranch, and recognizes that country land changes and slowly becomes more developed. He said it is something he accepts and appreciates more as time goes. **Eric Anderson** said he understands the resident's concern; however, this conditional use does not do anything for the circulation of sidewalks. **Alex Leeman** added that if staff had their way, the University of Utah Health Center site plan would have looked drastically different. He said that the City's Ordinance would have also required that the site be developed completely different; however, since the Health Center is from the state, the Center was sovereign from the City's Ordinance requirements. **Jay** asked that as a resident and pedestrian in the area that the traffic speed be reduced so that people can safely cross over to Station Park and the surrounding area. **David Petersen** said the City has a light plan for the area where pedestrians push a button to cross and the light turns red for traffic. He said it will be located closer to the DMV and the Cinemark theater. **Jay** said something like that will be much appreciated, especially as he often crosses that busy road with this children.

Alex Leeman closed the public hearing at 8:57 p.m.

Roger Child said his only concern is that the water feature could turn into something similar to Liberty Park in Salt Lake City. He said he loves the concept, but he does not want to create something attractive for kids to come and play in while dodging cars using the roundabout. He said in Liberty Park, children were playing in the water feature to the point of basically bathing in the water; the City had to turn the water off because they could not keep it clean. **Roger Child** said he wanted to make it a point of caution if this water feature ever comes to that. **Rebecca Wayment** thanked him for his concern. She said she feels people are already struggling to maneuver the two lanes, and then adding additional pedestrian traffic would make it even more difficult. She said she likes the look of the project, but is concerned with people playing in the water with residential homes and the fairgrounds so close by; she wants to ensure safety for everyone.

Alex Leeman said Commissioner Child's concern is noted. He asked if the commissioners feel strongly either way to deny or approve the conditional use. **David Petersen** also suggested approving the motion with conditions. **Alex Leeman** asked if the commissioners would like to craft a condition in some way that would address these concerns. He said he can't imagine people would walk out to play in the water, but that he still wants it safe. **Rebecca Wayment** asked if there are any cross walks that go out to the roundabout. **David Petersen** said no, the crosswalks are only located at the corners of the streets. **Eric Anderson** also pointed out that there is a concrete apron around the roundabout, which is

meant to catch the tires of large horse trailers, but is not a sidewalk. **Alex Leeman** asked if it could be encouraged that the landscaped area be built up, as to not attract more people to play in it. **Eric Anderson** said he thought the current plan was to build it up. **Bret Gallacher** also suggested putting a sign up that says to not play on the horses, but then was also concerned that may appear as a “suggestion” to some to do so. **Roger Child** said the water could be removed, and that it would still be a beautiful attraction. **David Petersen** said it would also have the benefit of no algae if there is no water. **Alex Leeman** said he is not inclined to remove the water without first talking with the artist; he is not comfortable altering someone’s artistic design and function without their say in the matter. He said he is not opposed to tabling the item. **David Petersen** also suggested talking with the Parks Department Director, as the Parks Department would be maintaining the feature. **Rebecca Wayment** asked about the timeline of the item. **David Petersen** said Mayor Talbot is currently gathering funds for the project, and that the City Council next meets on January 2, 2018. **Roger Child** said it was not his intention to delay the project; he feels the City can work with the design to make it happen.

Motion:

Rebecca Wayment made a motion that the Planning Commission table the item in order for the City to meet with the artist to express concerns with the water feature and safety regarding the water feature, and allow the artist a change to respond to those concerns. **Bret Gallacher** seconded the motion, which was unanimously approved.

ZONE TEXT AMENDMENT

Item #5. Farmington City (Public Hearing) – Applicant is requesting a recommendation for approval of a zone text amendment to Chapter 18 of the Zoning Ordinance related to the Regulating Plan. (ZT-4-17)

Eric Anderson said the item being presented in proposing a new classification for a “local primary road.” He said earlier this year, the City Council approved a zone text amendment altering the Regulating Plan to be more consistent with the North Station Small Area Master Plan that was approved based off of the charrette with UDA. He said the UDA plan originally showed Burke Lane curving to the north and intersecting with the future Shepard Lane road, and that the current Burke Lane was proposed to “T” into the new road alignment just east of the D&RG trail. The plan was then reviewed by Tim Taylor, the City’s Traffic Engineer. Tim Taylor said the new alignment for Burke Lane would not work because traffic from the turn lane would back onto the D&RG trail, causing increased conflict at an already problematic intersection. As a solution, Burke Lane continued as a through street, and the road connecting Burke with Shepard Lane (on the western boundary of the OMU zone, parallel to the D&RG trail) would “T” into Burke Lane. Staff made the change recommended by the City Traffic Engineer; however, the classification of the road from principal road to neighborhood road failed to get changed.

Eric Anderson said currently, the classification of principal road allows up to 6 stories along the OMU zone; a local road allows for 4 stories in the OMU zone. He said the surrounding residents are concerned about tall buildings close to their homes. He said the developer of the North Station project is intending to build townhomes on the western border in the OMU zone near the current residential homes; however, residential uses are not allowed in the OMU zone. In order for the developer to apply for residential uses (townhomes, apartments, etc.) in the OMU zone, the developer would have to go through Section 140 for special approval for the alternative design standards in the OMU zone. The developer would have to enter into a Development Agreement with the City, which would then mean the RMU zone requirements most likely would be applied to any residential uses. **Eric Anderson** said

that does not have to be the case, but staff thought it was a good idea to address the RMU zone as part of the proposed zone text amendment being proposed tonight.

Eric Anderson said the zone text amendment being proposed is defining and listing the standards for a “local primary road.” He said the zone text amendment will provide a buffer for the residents in Spring Creek, and will compromise the 6 stories allowed in the OMU zone and the 2 stories allowed in the RMU zone by meeting in the middle with 3 stories.

Alex Leeman said one question that came up in an email from a resident is that there was supposed to be a “resident working group” that the City was going to work with through this process, but it somehow got lost. **David Petersen** said the City started to plan for the West Davis Corridor in 2001. He said it was prior to any major land developments in west Farmington, including Station Park and Park Lane. The proposed WDC alignment came through the west side and stopped in the middle of the current UDA area. He said the City knew this alignment did not make sense as it would bring all northwest Davis County down to a single traffic light; however, concerns were not being addressed. He said cities worked together to propose a better alignment called the Legacy North, which would follow I-15 and an interchange at Shepard Lane instead of the WDC ripping through the middle of the City. He said the City incentivized the developer to have R-4 around the planned Shepard Lane interchange; however, the developer lost the property in the recession and a developer from Chicago purchased the property. The City approached the developer, and many surrounding property owners, to see if the property could be rezoned from residential to office park. The property owners were in agreement, so the zone was amended to allow for an office park. **David Petersen** said when all of this was occurring, the residential property owners wanted to get together with the City to plan a buffer zone so there was a smooth transition from the office park. The City agreed to work with the residential property owners, but the City never did.

Rebecca Wayment said staff talked about the RMU zone standards for residential uses in the OMU zone. She asked if that means the developer would make a residential application under the OMU zone, but that the application would refer to the RMU standards and requirements. **Eric Anderson** said that option is available. He said under Section 140, the City can specify what standards can be deviated from, and it is then memorialized through a development agreement. He said it may make it easier to refer to the RMU standards for residential uses when deviating from the OMU zone, but it does not have to be the case. **David Petersen** said including the RMU zone as part of tonight’s proposed zone text amendment is staff trying to forecast the future as to how the development agreement might be written. **Eric Anderson** said staff wanted to ensure the height restriction for the “local primary road” was addressed in the event standards are deferred to the RMU zone in the development agreement.

Alex Leeman pointed out that as the zone text amendment is written, the local primary road is listed with the maximum height of 3 stories, but that it is capped by the stories and not the actual height in feet. He then asked about the width of the local primary road, and how close the nearest building could potentially be to the residential homes. **Eric Anderson** explained the width of the local primary road, and how it would be measured. He also said that with the D&RG trail ROW, and easements over pipelines, the closest building to the residential homes would be approximately 250’.

Alex Leeman asked why the height restriction for buildings along the local primary road does not also include a feet restriction like some of the other roads listed in the Ordinance. **Eric Anderson** said he is not opposed to include a feet restriction, but that it is not required. **Alex Leeman** feels it would be appropriate to include a feet restriction for consistency purposes. **Rebecca Wayment** suggested setting the restriction at 30’. **Eric Anderson** said one nice thing about a development agreement is that the City does not have to go with the standards listed in the RMU zone, but that any

number of stories could be set within the agreement. He said when an applicant comes in under Section 140, it puts the City in the “driver seat” with the development agreement.

Rebecca Wayment said she feels setting the restriction for the RMU zone at 3 stories and 30' would be sufficient. **David Petersen** said he feels that would be an appropriate threshold. He said if the developer comes back with 31 ½' for example, the City has sole discretion on approving or denying the request. **Alex Leeman** agreed that a 30' height restriction should be included as part of the motion.

Alex Leeman opened the public hearing at 9:32 p.m.

Heidi Herron, 926 N. 1875 W., said her main concern with the proposed “local primary road” is the proposed 3 story buildings in the RMU zone; she said she would like to see it restricted at 2 stories. She said in 2011 when she met with the City, the City accidentally forgot to amend the road to a local road, which only allows for 2 stories in the RMU zone. She said based on everything the developer has said, the developer is not willing to compromise and the City is now giving him what he wants. She said the neighborhood did not agree to the 3 stories, but has been planning on the 2 stories currently allowed in the RMU zone for a local road. She said she would also like to see a height restriction included. She said the intent back in 2011 was to give a tiered approach from the residential homes to the office park. She said she feels she already lost the battle over the zoning, residential was removed and an office park was approved. She said she does not want to now lose the transition that the City agreed to. She feels an appropriate compromise would be to allow the developer to build townhomes that are 2 stories.

Corey Price, 864 McKittrick, said he feels the City is slowly taking steps in the right direction, but that he has addressed concerns to the City Council months ago, and is now present to again share his concerns. He said he is a structural engineer, and he deals with structures and developments regularly. He likes the 30' height restriction, but would like to see it limited to 2 stories. He said generally speaking, a commercial development needs approximately 15' floor height to fit everything in. He said he would recommend the Planning Commission approve 2 stories and 30'. He feels this would be an adequate buffer for the surrounding residents. He said that after the City Council meeting at the beginning of the year, he had a side discussion with the developer. He said the developer was adamant that he could build a 6 story building behind the residential homes, and that there was nothing the residents could do about it. He said he felt the developer was condescending as he bragged about how cheaply he purchased the land after the previous landowner lost it in the recession. He said he understands the developer wants to build townhomes; he feels if the Planning Commission approves the 3 stories and 30', he is unsure if it is a compromise the developer will agree to. He also said that it would be good to use more down lighting so there is less light pollution and less impact to surrounding residents. He said lastly, he has previously brought up his concerns with the City Council regarding the liquefaction landslide effect in the area. He said it is important to be aware of this, especially in planning so utilities don't float out of the ground. He said as a structural engineer, it is important to consider the resiliency of a community to bounce back after a seismic event.

Collin Christiansen, 852 McKittrick, said he talked with staff four years ago when he was looking at purchasing a home in the area. He was concerned a Walmart or tall office buildings would be built adjacent to the homes, but staff told him it sounded like a buffer or tiered approach would be taken near the homes. He said he recognizes there are no guarantees, but that was the expectation since that time among residents and staff. He said one thing he noticed was the rise leading up to the D&RG trail, and then it drops off. He asked if the height restriction of 30' is measured from the existing ground. He said if a 30' building is built on top of the rise, it could look like a 5 story building.

Alex Leeman said the Commission received two emails regarding this item. The first is from David Stringfellow and the second is from Kyle Stowell. **Alex Leeman** entered the emails into the record.

Alex Leeman closed the public hearing at 9:42 p.m.

David Petersen said the height of a building is determined from finished grade, and not from the existing grade. He said it is common that if one side is too high, then they will measure from the other side. He said fill dirt is expensive, and it often holds people back from building up their property. **Alex Leeman** also clarified that someone could not dig down and then build a 40' building in its place.

Alex Leeman said that it was stated that 3 stories is a suggested compromise. He asked if the developer also sees it as a compromise. **David Petersen** said it has been difficult to pin down the developer with regards to his plans. He said there are times when the developer has said he does not want to drop down from 6 or 4 story buildings, but other times he says he wants to build 2 story townhomes. **Bret Gallacher** asked staff how the developer may feel if the Commission approved a 2 story 30' height restriction. **David Petersen** said he is unsure as the majority of the conversations, it seems he would be ok, but there are times when he is not.

Alex Leeman asked if there is the potential of "taking" vested rights; he does not want to see the City in a legal quandary. **Eric Anderson** said the developer still has to seek approval through Section 140. **David Petersen** also pointed out that the developer has had his chance for input. **Alex Leeman** said he is concerned that the developer could still show up at a later time and say it's considered "taking." **Roger Child** said another discussion point that could be had with the developer is with regards to the infrastructure required based on the kind of zoning. He said the developer received zoning based on Burke Lane being a principal artery. Since the road was downsized, there is a financial incentive because the required infrastructure has also been downsized.

Alex Leeman said he does not see much difference between 2 stories and a 27' height restriction of single-family homes, and 3 stories and a 30' height restriction. He said he is sympathetic to the residents and their desire to have 2 stories, but he feels it would be beneficial to talk with the developer.

Roger Child said another way to approach it is to have the street view as 2 story buildings, but as the development goes on, the developer would be allowed to go up in size. He said the impact to the neighbors would be that they only see 2 story buildings adjacent to them, but that the developer may still be able to achieve 3 stories. He said many successful developments are built this way. **Rebecca Wayment** asked if the height restriction would still be capped at 30'. **Roger Child** said it could be, but that the street view would only be 2 stories, but one row in the development could set up to the 30' restriction. He feels this would be a good solution to ensure a transition takes place.

Eric Anderson said another solution is to remove the RMU zone from the zone text amendment since the RMU zone is not adjacent to any of the current residential areas. He said the developer would have to request residential through a development agreement, so story restrictions could be determined at that time. **David Petersen** also suggested putting N/A on the RMU table, as shown in the staff report, and leave the OMU as 3 stories with a 30' height restriction. The developer would have to come before the City for a residential request in the OMU zone under Section 140, so the City then has sole discretion. **Bret Gallacher** said he would like to table the item to see what the developer is willing to do. **Alex Leeman** asked how far out a development agreement could be. **Eric Anderson** said a long way out.

Resident **Corey Price** added that it would be very wise to include a height restriction as part of the Ordinance. He said the Utah Valley Convention center is technically 3 stories tall, but is 100'. He said a height restriction would help prohibit a circumstance like the convention center.

Rebecca Wayment pointed out that in the Ordinance, some zones have a restriction based on stories and some of feet. She asked if it would be appropriate to revisit the height restriction requirements of all the zones. **David Petersen** said he feels it makes sense to revisit the height restrictions; however, only this zone text amendment is before the Commission at this time. He said staff will include revisiting height restrictions of other zones as part of their "white board" items to be later reviewed as part of the omnibus zone text changes.

Bret Gallacher said that he would be in favor of tabling the item to determine where the developer stands on the issue. **David Petersen** expressed concern that tabling the item make bring more attention where it does not need to be, but that recommending approval of the item to City Council then allows the developer another chance to see what is being discussed, if he would like to voice his opinion on the matter. **Rebecca Wayment** asked if the RMU zone should be left as N/A. **Eric Anderson** said that change can be made when it goes to City Council, and that a condition to the motion could be made to direct staff to make that change.

Motion:

Rebecca Wayment made a motion that the Planning Commission recommend that the City Council approve the proposed zone text amendments to the Regulating Plan, Section 11-18-040, and Section 11-18-060 as written in the staff report above with the following condition: that under the RMU zone and the local primary street building height maximum should say N/A and that under the OMU zone and local primary street should state 3 stories and 30'. **Roger Child** seconded the motion, which was unanimously approved.

Findings for Approval:

1. Amending the Regulating Plan and related block size prior to the North Station Project Master Plan gives the applicant confidence in their PMP moving forward without granting full approval and vesting to the project.
2. The zone text amendments are consistent with the North Station Small Area Master Plan for the area, which is an adopted element of the City's General Plan.
3. The regulating plan and related amendments are consistent with Chartwell Capital's PMP application, which is currently under review by the City.
4. The Regulating Plan and related amendments are consistent with the intent of the OMU zone, and will provide an additional buffer to the single-family residential neighborhoods to the west.
5. Independent of the North Station PMP, staff would be recommending the zone text amendments as they are consistent with the intent of the OMU zone and are highly desirable because of the increase in efficient usage of the land and increased walkability for the district as a whole.
6. Creating a new road type in the mixed use district (Local Primary Roads) it allows for the potential of using this in the future where it makes sense to have a buffer, and provides a hybrid between principal and local roads.
7. By allowing for 3 story buildings, the proposed zone text amendments are a compromise between the height currently allowed in the OMU zone on a principal road and the two stories that the residents want.

Motion to Amend Agenda Item Order:

Rebecca Wayment made a motion that the Planning Commission look at Item #7. (Victor Iverson) prior to Item #6. (zone text change regarding PUDs), and that the agenda item numbers have been changed accordingly. **Bret Gallacher** seconded the motion, which was unanimously approved.

OTHER

Item #6. Miscellaneous: a) Victor Iverson (Public Hearing) – Applicant is requesting approval of an existing accessory structure in a side yard legalizing a non-conforming use on .21 acres of property located at 18 W. Rice Lane in an R (Residential) zone. (M-6-17)

Eric Anderson said the applicant's property came before the City on a separate potential code enforcement issue; upon review, it was discovered the applicant had some other code violations on their property. The City is working with the applicant as they work through the violations and come into conformity. He said the applicant is requesting approval of an accessory building in the side yard. He said the applicant has an existing carport; the Planning Commission approval is necessary for any accessory buildings in the side yard and that all side setback requirements must be met. The side setback is a minimum of 8'; however, there is one section of the code that discusses non-conforming subdivisions and that they allow for 5' setbacks. **Eric Anderson** said the applicant's subdivision is a non-conforming subdivision so they are allowed a 5' setback. He said it is an existing building, and the neighbors have not had any issues with the building. He said staff has received one email from an adjacent neighbor in support of approval of this item. Staff is recommending approval of this item.

Alex Leeman asked for clarification that the applicant does comply with the 5' side setback requirement. **Eric Anderson** said he is not sure, but staff thinks the applicant does comply with it.

Rebecca Wayment asked if the accessory building is a permanent structure. **Eric Anderson** said if the applicant had to move the structure he could; there is a concrete pad and the structure is bolted to it.

Rebecca Wayment asked about the City's code enforcement throughout the City. **David Petersen** said the City does not have an officer driving around looking for violations. He said most violations come as complaints; he said often when inspecting to see if a complaint is true, other violations are found. He said neighbors did not call and complain with regards to the applicant. The applicant was requesting information about shipping containers, but when the City further discussed the issue with the applicant, there were a few code violations discussed.

Tae Iverson, 18 W. Rice Ln., said their home was the first home to be built in their subdivision aside from the model home. One of the builders thought it would be fun to put in a garden tub in the place of the walk-in closet. The closet was put in the bedroom, which then pushed the wall further out into the garage. She said the builder did not take into consideration how that affected the measurement of the garage. Due to the change, their cars would not fit in the garage. She said they talked with the builder, and all other homes were amended so the same mistake was not made. She said they moved into their home over 30 years ago. They talked with the City about the situation, and they were advised that they could build a carport on the side of their home as long as it was not a permanent structure and that there were no footings. She said the carport has been there for approximately 20 years. **Alex Leeman** asked if there would be any problems meeting the 5' setback. **Tae Iverson** said in the back corner, their lot is a little more narrow, which may cause an issue meeting

the setback. **David Petersen** said the City can grant up to a 20% variance of the side setback requirement; he said staff can work with the applicant to ensure they meet the requirement.

Alex Leeman opened the public hearing at 10:08 p.m.

Alex Leeman said one email from Ben and Kristiana Henderson in support of the item's approval has been received; he entered it into the record.

Alex Leeman closed the public hearing at 10:08 p.m.

The commissioners were comfortable with the approval of this item.

Motion:

Bret Gallacher made a motion that the Planning Commission approve the detached accessory building placement that encroaches in the side yard of the applicant's property, subject to all applicable Farmington City ordinances and development standards, and the following condition: the carport shall meet the minimum side setback of 5' for a non-conforming subdivision in the R zone, except as variance has been granted by staff for the northeast corner. **Roger Child** seconded the motion, which was unanimously approved.

Findings for Approval:

1. The detached accessory building already exists and this approval is legalizing a non-conforming use.
2. The proposed structure is compatible with the character of the site, adjacent properties, surrounding neighborhoods and other existing neighborhoods.
3. The proposed structure is not detrimental to the health, safety, and general welfare of persons residing or working in the vicinity.

ZONE TEXT AMENDMENT

Item #6. Farmington City (Public Hearing) – Applicant is requesting a recommendation for approval of a zone text amendment to Chapter 27 of the Zoning Ordinance related to Planned Unit Developments (PUDs). (ZT-5-17)

David Petersen said Chapter 27 long predates any of staff or the commissioners, and that there are a few inconsistencies to be amended. The first is that the Planning Commission's role is to provide a recommendation to the City Council regarding the PUDs approval or denial; however, Chapter 27 states the Planning Commission and City Council both approve the preliminary and final PUD master plans. It needs to be amended to state the Planning Commission recommends and the City Council approves. The second inconsistency is that private streets have been a practice within the City for many years, and that it often makes sense to have a private street in a PUD in many cases; however, one sentence in the Ordinance states that all streets in PUDs shall be dedicated public streets. **David Petersen** also added that it is now required that all private streets be built to City standards. The third inconsistency is that it states application standards require the submittal of 6 copies of the preliminary and final master plans; however, it is necessary for the City to ask for 7 copies, as well as an electronic copy.

Alex Leeman opened the public hearing at 10:14 p.m.

No comments were received.

Alex Leeman closed the public hearing at 10:14 p.m.

Rebecca Wayment asked if the Ordinance should say “City Council” under Section 11-27-120 G-1. **David Petersen** said he listed “city” to cover both the planning commission and city council. **Eric Anderson** added that “city” should be capitalized as “City” so it refers to the political body.

Motion:

Roger Child made a motion that the Planning Commission recommend that the City Council approve the enclosed text changes to Chapter 27 of the Zoning Ordinance, with the capitalization of City in Section 11-27-120 G-1. **Rebecca Wayment** seconded the motion, which was unanimously approved.

Findings for Approval:

1. The changes make clear that the PUD overlay is a legislative act, and the City Council is the approval authority, and not the Planning Commission.
2. Both references in the chapter regarding public and private streets now state the same thing (that is, private streets may be acceptable at the sole discretion of the City), and the amendments reinforce the policy that if the City approves private streets as part of the PUD process, such streets must be constructed to City standards.
3. Amended submittal standards reflect what is already required by staff.

OTHER

Item #8. Miscellaneous: b) 2018 Planning Commission Schedule and Elections

Staff and the commissioners discussed the schedule for the 2018 calendar year. It was decided that in lieu of two meetings in December 2018, the schedule would be consolidated to one meeting on December 13, 2018.

Motion for 2018 Planning Commission Schedule:

Bret Gallacher made a motion that the Planning Commission approve the 2018 Planning Commission schedule with the change to consolidate the two proposed meetings in December to one meeting on December 13, 2018. **Roger Child** seconded the motion, which was unanimously approved.

Motion for Planning Commission Chair:

Bret Gallacher made a motion that the Planning Commission nominate **Alex Leeman** as the 2018 Planning Commission Chair. **Roger Child** seconded the motion, which was unanimously approved.

Motion for Planning Commission Vice Chair:

Alex Leeman made a motion that the Planning Commission nominate **Bret Gallacher** as the 2018 Planning Commission Vice Chair. **Roger Child** seconded the motion, which was unanimously approved.

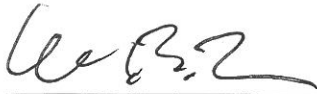
Motion for Planning Commission BOA Representative:

Bret Gallacher made a motion that the Planning Commission nominate **Connie Deianni** as the 2018 Planning Commission Board of Adjustment Representative. **Roger Child** seconded the motion, which was unanimously approved.

ADJOURNMENT

Motion:

At 10:23 p.m., **Rebecca Wayment** made a motion to adjourn the meeting, which was unanimously approved.



Alex Leeman
Vice Chair, Farmington City Planning Commission